Supreme Court, U.S.
F I L E D

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NO.

IN THE
SUPREME COURT OF THE UNITED STATES
October Term, 1996

JEAN ROSENBAUM,
Petitioner, acting Pro Se,

AMALGAMATED TRUST & SAVINGS BANK

---

v.

KURT ROSENBAUM,
Respondent.

PETITION FOR WRIT OF CERTIORARI
to the APPELLATE COURT OF ILLINOIS,
First District.

PETITION FOR WRIT OF CERTIORARI

Jean Rosenbaum, Pro Se
1354 West Greenleaf Street
Chicago, Illinois 60626
(773) 973-6047

41 pp

Prefatory Introduction

This Petition combines two appeals from the Appellate Court of Illinois, First District, containing the same issue. The appeals stemmed from the identical trial court case, but one matter was filed as a Garnishment proceeding, and the other as a Citation, by KURT's attorney.

The Amalgamated Bank & Trust Company of Chicago, Illinois, was labeled "Garnishee" in the Garnishment proceeding, and "Citation Respondent" in the Citation matter, but as only a secondary party in the case, has not joined in any appeal of this Petition.

QUESTIONS PRESENTED FOR REVIEW

1. If trial court erred by delaying hearing on JEAN's MOTION TO REVERSE ALL JUDGMENTS PRESENTED TO THE U. S. SUPREME COURT, BECAUSE OF MOOTNESS, DEFAULT AND NON-COMPLIANCE WITH THAT COURT'S RULES, AND DISMISS CAUSE, and if Appellate Court erred by permitting the trial court's awards of approximately $7,500.00 in the Garnishment, and approximately $5,000.00 in the Citation?

2. If trial court erred by evading legal precendents established by Federal Courts relating to mootness, and if Appellate Court erred by dismissing the appeal(s)

without ruling on the "mootness" issue?

3. If Appellate Court erred by dismissing the Garnishment appeal, No. 95-3277, and granting an additional sanction award of $3,607.50 to KURT's attorney, EDWARD A. BERMAN?

4. If Appellate Court erred by dismissing the Interlocutory Appeal, No. 96-0996, and awarding KURT's attorney an additional $1,495.00 in sanctions?

PARTIES TO THE PROCEEDING.

In the Illinois trial court, KURT ROSENBAUM was Plaintiff in the Garnishment case, and Judgment Creditor in the Citation case. In Appellate Court, he was Appellee in both. In the Illinois Supreme Court, he was Respondent in both the Garnishment (No. 82081) and the Citation (No. 82039) cases.

In the Illinois trial court, JEAN was Defendant in the Garnishment, and Judgment Debtor in the Citation. In the Appellate Court, she was Appellant in both cases, and in the Illinois Supreme Court, she was Petitioner in both cases. She has acted Pro Se throughout.

The Amalgamated Trust & Savings Bank of Chicgo, Illinois, has been listed as Garnishee in the Garnishment case, and as Citation Respondent in the Citation, in all levels of Court activity. This is because it is custodian of the Court-controlled bank account earmarked for JEAN in the preliminary divorce case which she has strongly contested, and it is this account from which BERMAN

has already made, and continues to make, many attempts to withdraw funds for himself, some with success.

Amalgamated Bank, as secondary party, has not joined in any of the attempts to appeal, although its name continues to be listed.

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PETITION FOR WRIT OF CERTIORARI

REPORTS OF ORDERS,

The Appellate Court of Illinois, First District, entered no Opinions in either No. 95-3277 (Garnishment), or No. 96-0996 (Citation), but only final ORDERS which, to best of knowledge, have not been reported in any official or unofficial publication.

BASIS FOR JURISDICTION

The Appellate Court's final ORDERS in both No. 95-3277 (Garnishment) and No. 96-0996 (Citation) were entered on July 19, 1996. Petitioner's Petitions for Rehearing in both appeals were denied on September 11, 1996. Petitioner timely filed Affidavits of Intent for each appeal with the Appellate Court, and then a timely petition for leave to appeal for each of the appeals with the Illinois Supreme Court. These were denied in orders entered December 4, 1996, for each Petition. Petitioner next filed a Motion for leave to file a Motion for Reconsideration attached, for each of the cases, which were denied in orders entered on January 16, 1997.[1]

The statutory provision believed to confer on this Court jurisdiction to review the orders in question by a writ of certiorari is 28 U.S.C.§ 1257(a).

---

[1]The Illinois Supreme Court does not allow a Petition for Rehearing after the denial of a Petition for Appeal. One can only file a Motion for Reconsideration of the denial, but first must secure leave to file (another motion).

United States Supreme Court Rule 12.4 permits the filing of a single petition for writ of certiorari, if two judgments on closely similar or identical issues involving the same court are sought to be reviewed.

CONSTITUTIONAL PROVISIONS INVOLVED, United States Constitution, (Pertinent Portions),

Amendment V, ".....nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment XIV, Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

STATEMENT OF THE CASE

Both the Garnishment and the Citation appeals had

their origin in the identical trial court proceeding, No. 81 D 22050. The first document filed by JEAN in trial court, after the denial of her Petition for Writ of Certiorari by the U. S. Supreme Court, No. 94-1189, was a MOTION TO REVERSE ALL JUDGMENTS PRESENTED TO THE U.S. SUPREME COURT, BECAUSE OF MOOTNESS, DEFAULT AND NON-COMPLIANCE WITH THE COURT'S RULES, AND DISMISS CAUSE. It was also the first document of any kind filed by either party in this segment of the case. It was filed on March 16, 1995, and called for immediate hearing. Trial court continually delayed ruling on it, and did not deny it until March 7, 1996, after the grant of sanctions to BERMAN in the garnishment and citation cases. This initial document cited Amendments V and XIV of the U. S. Constitution on page (4) thereof.

In the Appellate Court, the U. S. Constitution, Amendment V and Amendment XIV, were raised in the garnishment appeal, No. 95-3277, in JEAN's ANSWER AND OBJECTIONS TO "MOTION TO DISMISS APPEAL AND FOR SANCTIONS," filed April 8, 1996, on page 4 thereof. BERMAN's request for dismissal was allowed, and sanctions granted, App.A-A.3.

In Appeal No. 96-0996, the citation appeal, the United States Constitution, Amendment V and Amendment XIV were cited on Page 16 of JEAN's Appellate BRIEF, in connection with the postponement of hearing on her initial MOTION TO REVERSE. Appellate Court

dismissed the appeal, App.E-A.7.

In Appeal No. 95-3277, the U. S. Constitution, Amendment V and Amendment XIV were also cited in JEAN's BRIEF, on page 16, in connection with the MOTION TO REVERSE AND DISMISS. Appellate Court did not change the trial court's decision, and dismissed the appeal, App.A-A.3.

In the Supreme Court of Illinois, in the garnishment presentation, Petition for Leave to Appeal, No. 82081, the U. S. Constitution, Amendment V and Amendment XIV thereof, were cited on page 9, because Appellate Court had dismissed the appeal without stating a reason. The Petition for Leave to Appeal was denied, App.H-A.26.

One of the judgments for which the prior Petition for Writ of Certiorari sought review, was an award of sanctions to KURT and BERMAN. When mootness above became apparent and the Petition was denied. JEAN attempted to have the sanction decision(s) vacated in the State court. Instead, trial court enforced a sanction award of about $7,500 to BERMAN in the garnishment proceeding, and about $5,500 in the citation proceeding. Appellate Court, in the instant segment, has levied additional sanctions on JEAN of about $5,000, probably because of her attempts to pursue the mootness issue (A.18; A.23) in the State court and have the judgments submitted to the U. S. Supreme Court earlier vacated, and the case dismissed.

ARGUMENT

In Deakins v. Monaghan (1988), 484 U. S. 193, 199, 108 S.Ct. 523, 98 L.Ed. 2d 529, the U. S. Supreme Court explained that it is limited by Article III of the U. S. Constitution to adjudicating only actual, ongoing controversies. When BERMAN and KURT abandoned the case in that Court, it no longer was an ongoing controversy, and became a "moot" case.

The applicable case law says when mootness occurs, the practice of the U. S. Supreme Court is to vacate the judgment, and remand the case for dismissal, if the case is from a federal court, Bowen v. Kizer (1988) 485 U. S. 386, 387, 108 S.Ct. 1200, 99 L.Ed. 2d 402, Frank v. Minnesota Newspaper Association, Inc, (1989) 490 U. S. 225, 109 S.Ct. 1734, 104 L.Ed. 2d 264.

The lower Federal court has followed this practice. American Library Association v. Barr (1992), 956 F.2d 1178, 1186 (D.C. Cir.), Clarke v. United States (1990), 915 F.2d 699, 706.

In People v. Lucente (1987), 116 Ill. 2d 133, 146, 506 N. E. 2d 1269, the Illinois Supreme Court said: "When faced with a Federal Constitutional question, we follow the holdings of the U. S. Supreme Court." That Court has also said in In re Dominique F, (1991) 145 Ill. 2d 311, 324, 583 N. E. 2d 555: "Properly filed motions should generally be heard and disposed of in the order in which they are filed, ..." but trial court simply refused to do this despite JEAN's request, and Appellate Court

has permitted this, an error. Trial court obviously erred by delaying the hearing on the MOTION TO REVERSE ALL JUDGMENTS, as it proceeded to enforce the sanction awards, which might otherwise have been vacated or modified. Appellate Court clearly erred by allowing this, by dismissal. Trial court also erred by evading the legal precedents established by the Federal courts relating to mootness, and again the Appellate Court erred by letting it happen, when dismissing both appeals which attempted to straighten out the matter. Appellate Court also erred by awarding BERMAN additional sanctions, under the circumstances. JEAN should enjoy the identical procedure in the State Court, relating to mootness, that is followed in the Federal courts, and it is a Constitutional violation under the U.S. Constitution, Amendment V and Amendment XIV, not to afford her the due process and equal protection of the law(s).

The actions and decisions of the State Court decided this important Federal question in a way that conflicts with the decisions of the United States Court of Appeals already presented in foregoing paragraphs; it has also decided this important question of Federal law in a way that conflicts with relevant decisions of the United States Supreme Court. The Illinois Supreme Court pays "lip service" to the U.S. Supreme Court decisions, but in practical enforcement, the lower courts do not abide, to the detriment of the litigant. The supervisory power of

the U.S. Supreme Court is required, and the misapplication and disregard for the law exhibited by the lower State courts is relied upon to justify the request for allowance of the Writ.

WHEREFORE, it is prayed that this PETITION FOR WRIT OF CERTIORARI to the APPELLATE COURT OF ILLINOIS, First District, be allowed.

Respectfully submitted,

Jean Rosenbaum

JEAN ROSENBAUM, acting Pro Se

DATED May 10, 1997

See copy marked "Notarized Copy" for original signatures.

Jean Rosenbaum, acting Pro Se
1354 West Greenleaf Street
Chicago, Illinois 60626
(773) 973-6047

COMBINED

APPENDIX

NOTE

The documents in the following Appendix are in chronological order, and not assembled by case number.

The Garnishment case:
Trial court number, 81 D 22050.
Appellate court number, 95-3277.
Ill. Supreme Court number, 82081.

The Citation case:
Trial court number, 81 D 22050.
Appellate court number, 96-0996.
Ill. Supreme Court number, 82039.

NO. 95-3277

IN THE APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT-SECOND DIVISION

IN RE MARRIAGE OF	) Appeal from the
	) Circuit Court
KURT ROSENBAUM,	) of Cook County,
	) Illinois, County
Petitioner/Counter-	) Department, Do-
	) mestic Relations
Defendant, Appellee,	) Division.
	) 81 D 22050
and	)
	) The Honorable
JEAN ROSENBAUM,	) Jeffrey Lawrence
	) and Glynn Elliott,
Respondent/Counter	) Judges Presiding.
	)
Plaintiff, Appellant.	) COPY

ORDER

This cause coming on upon the motion of Kurt Rosenbaum, Petitioner-Appellee, to dismiss appeal and for sanctions, due notice having been served, and the Court being fully advised;

It is ordered:

That the motion to dismiss is granted;

Sanctions are granted,

Petitioner is given fourteen (14) days to file an affidavit in support of sanctions.

S\ALLEN HARTMAN
S\ANTHONY SCARIANO
S\GINO DiVITO
Justices of the Illinois Appellate Court.

ORDER ENTERED MAY 1, 1996.

Appellate Court, First District,
Second Division.

Edward A. Berman,
William A. Pomerantz.
2 North LaSalle Street, Suite 610
Chicago, Illinois 60602
312-236-2020

Attorneys for Petitioner-Appellee

IN THE APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

KURT ROSENBAUM	)	
	)	Garnishment
Plaintiff-Appellee	)	
	)	
v.	)	No. 95-3277
	)	
JEAN ROSENBAUM,	)	
	)	
Defendant-Appellant,	)	
	)	
Pro Se,	)	
	)	
and	)	
	)	
AMALGAMATED TRUST	)	
& SAVINGS BANK,	)	
	)	COPY
Garnishee.	)	

ORDER

This cause coming on to be heard this day on the MOTION TO RECONSIDER ORDER ENTERED MAY 1, 1996, DISMISSING APPEAL AND GRANTING SANCTIONS, presented by JEAN ROSENBAUM, Defendant-Appellant, Pro Se, and the

Court having read argument and been advised in the premises;

IT IS HEREBY ORDERED:

The Motion to Reconsider Order Entered May 1, 1996, Dismissing Appeal and Granting Sanctions is DENIED.

S/ Justice ALLEN HARTMAN
S/ Justice ANTHONY SCARIANO
S/ Justice GINO L. DiVITO

ORDER ENTERED MAY 22, 1996.
Appellate Court, First District,
Second Division.

NO. 96-0996

IN THE APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT-SECOND DIVISION

IN RE THE MARRIAGE OF	) Appeal from the
	) Circuit Court
KURT ROSENBAUM,	) of Cook County,
	) Illinois, County
Petitioner, Counter-	) Department, Do-
	) mestic Relations
Defendant, Appellee	) Division.
	) 81 D 22050
and	)
	) The Honorable
JEAN ROSENBAUM,	) Glynn Elliott,
	) Judge Presiding.
Respondent/Counter-	)
Plaintiff, Appellant.	) COPY

ORDER

This cause coming on upon the motion of Kurt Rosenbaum, Petitioner-Appellee, to dismiss appeal and for sanctions, due notice having been served, and the court being fully advised,

It is ordered:

That the motion to dismiss is granted;

Sanctions are granted;

Petitioner is given fourteen (14) days to file an affidavit in support of sanctions.

S/ ALLEN HARTMAN
S/ ANTHONY SCARIANO
S/ GINO L. DiVITO
Justices of the Illinois
Appellate Court.

ORDER ENTERED MAY 30, 1996.

Appellate Court, First District,
Second Division.
Edward A. Berman, P.C.
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Chicago, Illinois 60602
312-236-2020

Attorneys for petitioner-Appellee.

No. 1-95-3277
IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

KURT ROSENBAUM,	) Appeal from the
	) Circuit Court of
Plaintiff-Appellee,	) Cook County.
	)
v.	) No. 81 D 22050
	)
JEAN ROSENBAUM,	)
	)
Defendant-Appellant,	) Honorable
	) Glynn Elliott
	) Judge Presiding.
	)
AMALGAMATED TRUST & SAVINGS BANK,	)
	)
	)
Garnishee.	) COPY

ORDER

This order follows the May 1, 1996, dismissal of respondent's appeal and allowance of sanctions against respondent subject to petitioner's submission of an affidavit in support of fees. Petitioner's counsel, Edward

A. Berman, has now filed his affidavit and billing worksheet delineating work on this appeal. He requests reimbursement for 19.5 hours at $185 per hour for a total of $3,422.50.

By a separate order respondent was granted leave to file her objections. Several days later she filed another document entitled "COURT-ORDERED RESPONSE TO APPELLEE'S STATEMENT IN SUPPORT OF SANCTIONS." In this latter pleading respondent states that "if the Court so desires" the first filing, "OBJECTIONS TO BERMAN'S STATEMENT IN SUPPORT OF SANCTIONS AND AFFIDAVIT," could be withdrawn because the two were "similar in content." Therefore, this order considers only two documents, petitioner's statement in support of sanctions and respondent's "court-ordered response." Respondent is granted leave to withdraw her first pleading entitled "objections."

Illinois Supreme Court Rule 375 permits a party to recover sanctions if it is determined that the appeal is frivolous, was not taken in good faith or was promoted for an improper purpose, such as to harass or delay or needlessly increase the cost of litigation. 134 Ill. 2d R. 375(b). The instant dismissed appeal was not taken in good faith, thus warranting sanctions.

Respondent makes a variety of objections to 28 of the 38 entries of time and work performed by Mr. Berman. Initially, she claims that he has never clarified which

appeal he refers to when he comments on Appeal No. 16 and such a designation is an attempt to "brainwash" this court because some of the numbered documents were merely to secure leave to appeal. However, in the second paragraph of Mr. Berman's affidavit he states that appeal No. 16 is the instant appeal, 1-95-3277. Thus, there is no confusion as to which of respondent's multiple appeals he refers. Nor is this court under any misapprehension as to the number of appeals that respondent has filed.

Respondent contends that Mr. Berman should be barred from recovering for any time spent in the trial court on this appeal. This contention ignores the matters that must be considered by the trial court in perfecting an appeal and other procedural matters. See 134 Ill. 2d Rs. 305, 323(b) (stay of enforcement, preparing report of proceedings). We refuse to disallow any of Mr. Berman's entries on this basis.

Respondent next contends that four of Mr. Berman's entries cannot be "validated" by the record on appeal. By this we assume respondent means that there was no record of a court appearance by Mr. Berman on the days he listed. However, only one of the four entries is a court appearance. The others need not be and could not be verified by the record and are allowed. The remaining entry, #18713, is entitled "Court" and the description of activity for this entry is "court for hearing on record for Appeal No. 16 Judge Elliott, order entered

Appeal No. 16." The last order included in the record is dated october 24, 1995. Thus, other than respondent's general challenge to this time there are no facts to support her conclusion that Mr. Berman did not make a court appearance that day. 134 Ill. 2d R. 191(b). Therefore, this entry is also permitted.

Next, respondent objects to seven of Mr. Berman's entries on the basis that it is "doubtful" that she should be required to pay for time "caused by the needs of the Court or Court personnel." Except for one entry which was for a Court appearance, the others all appear to be Mr. Berman's review of documents and telephone calls relating to the appeal. These are all permitted charges.

Respondent also challenges entry #18299 in which a portion of the hour charged by Mr. Berman was spent drafting "correspondence to U. S. Supreme Court, Appeal No. 16." Respondent contends that Mr. Berman should be required to explain what this correspondence was for and to produce a copy of the correspondence. Since respondent does not deny that she involved the United States Supreme Court in this appeal, her challenge to this entry will be denied. In any event, the correspondence with the United States Supreme Court was only one of many items listed in this entry, and Mr. Berman's time will not be denied.

The last specific charge that respondent challenges is entry #15674 regarding review of respondent's amended notice of appeal. Respondent apparently claims that the

amendment was necessary because Mr. Berman made an error in the date of an "important Order." Mr. Berman's minimum charge for reviewing the amended notice of appeal is allowed. It is the respondent's duty to verify such dates before filing documents with this court.

We next briefly consider respondent's general objections to Mr. Berman's affidavit. She appears to dispute his one-hour charge for separating out the instant appeal from the other matters involving these parties and states that he doubly charged for this time. We can find no duplication and reject this accusation.

Respondent also objects to Mr. Berman's "practice of charging a minimum of $46.25 ... for any time expenditure under 15 minutes" and has counted 21 such entries. Mr. Berman wrote that his charges were kept in the "ordinary course of his law practice" and were the "customary charges" made to his clients for matters of this nature." Respondent mounts no real challenge to counsel's billing practices other than her subjective and unsupported belief that he charges too much.

Next, respondent claims that there was "no need to confer with BERMAN" after she filed her brief. We can make no sense of this argument and refuse to consider it. Within the same paragraph respondent also contends that Mr. Berman's charges for simply filing a motion to dismiss were "highly inflated." Respondent again has failed to demonstrate that the rates that Mr. Berman charges his clients were in any way improper.

We find no merit to respondent's claim that she should not be charged for a telephone call Mr. Berman made to petitioner, because "it is safe to assume' that he would charge petitioner for this call. We also deny respondent's request that Mr. Berman explain what his conferences with her are about and who generated them. She does not deny that the conferences occurred, nor that the subject was the litigation involving the parties. Mr. Berman has carefully identified which appeal was the subject matter of each discussion with respondent, and that is sufficient.

Respondent has been unable to convince us that there is any reason why Mr. Berman should not fully recover the fees expended in opposing her appeal. His request for $3,607.50 is allowed. Respondent is ordered to pay $3,607.50 as sanctions to Mr. Berman. Respondent is also granted leave to withdraw the document entitled "OBJECTIONS TO BERMAN'S STATEMENT IN SUPPORT OF SANCTIONS AND AFFIDAVIT."

S/_____

PRESIDING JUSTICE HARTMAN

S/_____

JUSTICE SCARIANO

S/_____

JUSTICE DiVITO

ORDER ENTERED July 19, 1996
Appellate Court, First District
2nd Division
DATED: July 19, 1996.

No. 1-96-0996

IN THE

APPELLATE COURT OF ILLINOIS

FIRST JUDICIAL DISTRICT

IN RE THE MARRIAGE OF	) Appeal from the
	) Circuit Court of
KURT ROSENBAUM	) Cook County.
	)
Petitioner, Counter-	)
	) 81 D 22050
Defendant, Appellee,	)
	)
and	) Honorable Glynn
	) Elliott, Judge
JEAN ROSENBAUM,	) Presiding.
	)
Respondent, Counter-	)
	)
Plaintiff, Appellant.	) COPY

ORDER

This order follows the May 30, 1996 dismissal of respondent's appeal and allowance of an award of sanctions in favor of petitioner's counsel subject to his

submission of an affidavit in support of his fees. Petitioner's counsel, Edward A. Berman, has now filed his affidavit and billing worksheet delineating work on this appeal. He requests, as a sanction, reimbursement for eight hours of time billed at $185 per hour and a $15 appearance fee for a total of $1,495. Without leave of court, respondent filed an "ANSWER AND OBJECTIONS TO 'STATEMENT OF EDWARD A. BERMAN, P.C. IN SUPPORT OF SANCTIONS with AFFIDAVIT.'"

Illinois Supreme Court Rule 375 permits a party to recover sanctions if it is determined that the appeal is frivolous, was not taken in good faith or was promoted for an improper purpose, such as to harrass or delay or needlessly increase the cost of litigation. 134 Ill. 2d R. 375(b). We find that the instant dismissed appeal was not taken in good faith, thereby warranting sanctions.

We will give only brief consideration to respondent's objections since she filed them without leave of court and many of her claims have previously been considered. See order allowing sanctions in No. 1-95-3277. Respondent first claims that Mr. Berman failed to properly identify this appeal in his worksheet entries by calling it "Appeal No. 17." We note that counsel clearly identifies the instant appeal as Appeal No. 17. Thus, there is no confusion regarding his work. Moreover, Berman's entries correspond with the activity shown in the court's own records, and many of his entries also

identify the instant appeal as No. 1-96-0996. We reject respondent's initial objection.

As in appeal No. 1-95-3277, Mr. Berman will be allowed to recover for time spent in the trial court on matters which are directly related to this appeal, such as his request for the time spent in court regarding a request for language of finality in the notice from which this appeal was taken. 134 Ill. 2d R. 304(a).

We reject respondent's suggestion that Mr. Berman's worksheet reference to her as opposing counsel requires repudiation of his time. Mr. Berman will be allowed to recover for his letter to respondent asking her to stop prosecution of this appeal.

Respondent also objects to an entry #19609 because the tax matter referred to had nothing to do with this case. However, this item involved a telephone conversation, part of which dealt with the instant appeal and the minimum charge is allowed.

All of the respondent's remaining objections are to Mr. Berman's billing practices, which have previously been approved. Counsel's time in preparing his affidavit in support of his request for sanctions is also allowed.

Respondent has been unable to persuade this court that any of the time spent in opposing this appeal should be deleted from the award. Therefore, as sanctions against respondent, Mr. Berman is allowed his full request of $1,495.

Respondent is ordered to pay $1,495 to Mr. Berman.

S/_____
PRESIDING JUSTICE HARTMAN

S/_____
JUSTICE SCARIANO

S/_____
JUSTICE DiVITO

ORDER ENTERED July 19, 1996
APPELLATE COURT, FIRST DISTRICT
2nd Division
DATED: July 19, 1996

IN THE

APPELLATE COURT OF ILLINOIS

FIRST JUDICIAL DISTRICT

KURT ROSENBAUM,	)	
	)	
Plaintiff-Appellee,	)	
	)	
v.	)	No. 1-95-3277
	)	
JEAN ROSENBAUM,	)	
	)	
Defendant-Appellant,	)	COPY

ORDER

IT IS HEREBY ORDERED THAT Defendant-Appellant's petition for rehearing is hereby DENIED.

S/_____
PRESIDING JUSTICE ALLEN HARTMAN

S/_____
JUSTICE ANTHONY SCARIANO

S/_____
JUSTICE GINO DiVITO

ORDER ENTERED September 11, 1996.

IN THE

APPELLATE COURT OF ILLINOIS

FIRST JUDICIAL DISTRICT

KURT ROSENBAUM,	)	
	)	
Plaintiff-Appellee,	)	
	)	
v.	)	No. 1-96-0996
	)	
JEAN ROSENBAUM,	)	
	)	
Defendant-Appellant.	)	COPY

ORDER

IT IS HEREBY ORDERED THAT Defendant-Appellant's petition for rehearing is DENIED.

S/_____
PRESIDING JUSTICE ALLEN HARTMAN

S/_____
JUSTICE ANTHONY SCARIANO

S/_____
JUSTICE GINO DiVITO

ORDER ENTERED September 11, 1996.
Appellate Court, First District,
Second Division.
DATED: September 11, 1996.

ILLINOIS SUPREME COURT
JULEANN HORNYAK, Clerk
Supreme Court Building
Springfield, Illinois 62701

December 4, 1996

Ms. Jean Rosenbaum
1354 W. Greenleaf St.
Chicago, IL. 60625

COPY

No. 82081 - Kurt Rosenbaum, respondent, v. Jean Rosenbaum, petitioner.

Leave to appeal, Appellate Court, First District.

The Supreme Court today DENIED the petition for leave to appeal in the above entitled cause.

The mandate of this court will issue to the Appellate Court on December 26, 1996.

ILLINOIS SUPREME COURT
JULEANN HORNYAK, Clerk
Springfield, Illinois 62701

December 4, 1996

Ms. Jean Rosenbaum
1354 W. Greenleaf St.
Chicago, IL 60626

COPY

No. 82039 - Kurt Rosenbaum, respondent, v. Jean Rosenbaum, petitioner. Leave to appeal, Appellate Court, First District.

The Supreme Court today DENIED the petition for leave to appeal in the above entitled cause.

The mandate of this Court will issue to the Appellate Court on December 26, 1996.

SUPREME COURT OF ILLINOIS
Supreme Court Building
Springfield, Illinois 62701

January 16, 1997

Ms. Jean Rosenbaum
1354 W. Greenleaf St.
Chicago, IL 60626

COPY

THE COURT HAS TODAY ENTERED THE FOLLOWING ORDER IN THE CASE OF:

No. 82081 - Kurt Rosenbaum, respondent, v. Jean Rosenbaum, petitioner.

Motion by petitioner, pro se, for leave to file a motion for reconsideration of the order denying petition for leave to appeal. Motion denied.

The mandate has issued to the Appellate Court forthwith.

cc Mr. Edward A. Berman

SUPREME COURT OF ILLINOIS
Supreme Court Building
Springfield, Illinois 62701

January 16, 1997

Ms. Jean Rosenbaum
1354 W. Greenleaf St.
Chicago, IL 60626 COPY

THE COURT HAS TODAY ENTERED THE FOLLOWING ORDER IN THE CASE OF:

No. 82039 - Kurt Rosenbaum, respondent, v. Jean Rosenbaum, petitioner.

Motion by petitioner, pro se, for leave to file a Motion for reconsideration of the order denying petition for leave to appeal. Motion denied.

The mandate has issued to the Appellate Court forthwith.

cc Mr. Edward A. Berman

STATE OF ILLINOIS)
) SS
COUNTY OF C O O K)

AFFIDAVIT

I, JEAN ROSENBAUM, being first duly sworn upon oath, depose and state I am the Petitioner, acting Pro Se, in the aforestated cause, that I have read the foregoing PETITION FOR WRIT OR CERTIORARI TO THE APPELLATE COURT OF ILLINOIS, First District, including its COMBINED APPENDIX by me subscribed, that I know the contents thereof, and the same is true in substance and in fact.

Jean Rosenbaum

JEAN ROSENBAUM, Petitioner,
acting Pro Se.

Subscribed and sworn to before me, a Notary Public of the State of Illinois, County of Cook, this _____ day of _____, 1997.

_____
Notary Public

Jean Rosenbaum, acting Pro Se
1354 West Greenleaf Street
Chicago, Illinois 60626
973-6047 (773)